



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING  
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## TECHNICAL STAFF REPORT

*Petition Accepted on June 6, 2007  
Planning Board Meeting of September 6, 2007  
County Council Hearing to be scheduled*

**Case No./Petitioner: ZRA-86 – St. John Properties**

**Request:** Zoning Regulation Amendment to amend Section 115.A. of the POR District regulations to establish a new use permitted as a matter of right for Flex Space, provided the property abuts on a ramp of I-70.

**Department of Planning and Zoning Recommendation: APPROVAL WITH REVISIONS**

### I. DESCRIPTION OF PROPOSAL

# **The Petitioner proposes one amendment to the Zoning Regulations. This proposed amendment is generally described as follows:**

1. Flex Space is a use category defined as “A building that is designed in modular bays to accommodate business of varying sizes, and used for offices, research and development, light manufacturing, assembly, storage, sales, and similar uses, including business community support retail up to 15% of the buildings in the project. Flex space buildings have rear loading only and generally have 25 percent or more of the space devoted to office uses.”
2. Currently, Flex Space is not permitted in the POR District, either by-right or as a Conditional Use. The Petitioner proposes to add Flex Space to Section 115.B., Uses Permitted as a Matter of Right, with a single criteria that the property upon which the Flex Space use would be located “...abuts on a ramp of I-70”.

# **The subsections proposed to be amended and the amendment text is as follows (CAPITALS indicates text to be added:)**

**1. § 115.B.21**

FLEX SPACE, PROVIDED THE PROPERTY ABUTS ON A RAMP OF I-70.

*Renumber the remainder of Subsection B accordingly.*

## II. EXISTING REGULATIONS

- # **The Flex Space use category is permitted as a matter of right without limitations in the M-1 (Manufacturing: Light), M-2 (Manufacturing: Heavy), CE (Corridor Employment), TOD (Transit Oriented Development) districts, in the NT (New Town) Employment Center-Industrial areas that permit all M-1 uses, and in MXD (Mixed Use) districts greater than 75 acres.**

In the PEC District, Flex Space is also permitted, but there is a limitation that any light manufacturing uses in a Flex Space development are restricted to those light manufacturing uses that are listed as permitted uses in PEC. These include:

Manufacture, compounding, processing or packaging, and associated storage of pharmaceuticals, biotechnical products and cosmetics.

Manufacture, assembly, repair and servicing, and associated storage of electronic, communications, computer, medical, scientific, optical, photographic or technical instruments, equipment and components.

Research and development establishments or professional and business offices which may include manufacturing, fabrication, production, testing, repair, storage, sale or resale of materials, goods and products incidental to the principal use and located on the same lot as the principal use. Manufacturing uses permitted only in the M-2 district are prohibited.

- # **Most of the zoning districts noted above are specifically intended to include some types of light industrial uses, and although the POR District purpose statement does not mention light industrial uses, the office and research and development uses that are already permitted by right in POR are quite similar to Flex Space uses.**

The POR District purpose statement is “The Planned Office Research District is established to permit and encourage diverse institutional, commercial, office research and cultural facilities.”

A research and development use is defined as “A structure or group of structures used primarily for applied and developmental research, where product testing is an integral part of the operation and goods or products may be manufactured as necessary for testing, evaluation and test marketing.

## III. BACKGROUND INFORMATION

### A. Scope of Proposed Amendments

- # **Based on an interpretation of the proposed amendment requirement that the “...property abuts on a ramp of I-70”, there appears to be three qualifying locations where POR zoned property adjoins an I-70 exit or entrance ramp.**

### III. BACKGROUND INFORMATION (continued)

#### A. Scope of Proposed Amendments (continued)

These locations are the southwest quadrant of the I-70 intersection with MD 32 (“Location 1”), the southeast quadrant of the I-70 intersection with Marriottsville Road (“Location 2”), and the southeast quadrant of the I-70 intersection with US 29 (“Location 3”).

# **The amendment would not apply to any other POR-zoned areas in the County.**

#### B. Agency Comments

# **The following agencies had no comments or objections to the petition:**

1. Bureau of Environmental Health
2. Department of Fire and Rescue Services
3. Department of Inspections, Licenses and Permits

No comments were received to date from the following agency:

1. Department of Recreation & Parks

### IV. EVALUATIONS AND CONCLUSIONS

#### A. Relation to the General Plan

# **The Petitioner refers to the Community Conservation and Enhancement Policy 5.9 to “Allow for the appropriate size, location and purpose of commercial centers” as justification for the proposed amendment.**

On Page 1 of the petition, the Petitioner states that “There is limited available space for office buildings in the rural west. By expanding the regulations, we would be able to have flex space in the rural west in locations that would serve the general public. The buildings will be located in attractive one-story structures with landscaping. Limited truck use would not pass through residential areas.”

# **Although the amendment text as submitted does not include language to limit the location of a potential Flex Space development only to a POR District in the Rural West, this statement by the Petitioner is assumed to express such an intent.**

Of the three potential locations mentioned above, only Location 1 at the southwest quadrant of the MD 32 intersection with I-70 is outside the Planned Service Area, and can therefore be considered as within the Rural West.

# **The Location 1 intersection is already a commercial crossroad because of the existing B-1 and B-2 districts and shopping center that adjoin the south side of the POR District and front on MD 144. Therefore, if it is made limited to Location 1, the petition would be in general harmony with the Preservation of the Rural West Policy No. 3.10 to “Direct commercial expansion and redevelopment efforts to existing commercial crossroads in the Rural West.”**

**IV. EVALUATIONS AND CONCLUSIONS (continued)**

**A. Relation to the General Plan (continued)**

One Action of Policy 3.10 specifically addresses the I-70 corridor, and states “Discourage economic development unless immediately adjacent to an interchange and compatible with rural agricultural and residential uses in the vicinity.”

- # **The petition is in harmony with the Balanced and Phased Growth Policy 4.4 to “Make efficient use of land resources for long-term economic growth.”**
- # **The petition is also in harmony with the Balanced and Phased Growth Policy 4.5 to “Encourage economic growth, provide job opportunities for County residents and ensure the County’s fiscal health.”**

**B. Relation to the Zoning Regulations**

- # **In the PEC District, Flex Space development is limited because any light industrial uses in the Flex Space development can only be those light industrial uses already permitted by right in PEC. This amendment, as it is proposed, has no such limitations, and without those limitations a Flex Space development in POR could actually be more intense than one in PEC.**

It is recommended that the amendment be revised in a similar manner.

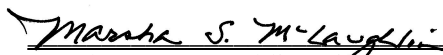
**C. Recommended Revisions**

- # **The amendment should be revised as follows (Added text is UNDERLINED):**

FLEX SPACE, PROVIDED THE PROPERTY ABUTS ON A RAMP OF I-70, AND IS LOCATED WITHIN THE NO PLANNED SERVICE AREA OF THE HOWARD COUNTY WATER AND SEWERAGE MASTER PLAN, AND PROVIDED THAT THE LIGHT MANUFACTURING USES ARE LIMITED TO THOSE USES PERMITTED IN THE PEC DISTRICT.

**V. RECOMMENDATION                      APPROVAL WITH REVISIONS**

For the reasons noted above, the Department of Planning and Zoning recommends that the petition for ZRA-86, be APPROVED, with the revisions noted above.

  
Marsha S. McLaughlin, Director

09/06/07  
Date

MM/JRL/jrl

**NOTE: The file on this case is available for review at the Public Service Counter in the Department of Planning and Zoning.**